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Attorney Docket: 01149/HG

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Richard S. Barth  
Attorney: Richard S. Barth

Dated: June 5, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yuki ABE et al.

Serial No. : 09/836,705

Filed : April 17, 2001

Art Unit : 1652

Examiner : Kathleen M. Kerr

**REQUEST FOR INITIALED COPIES OF FORMS PTO/SB/08A AND PTO/SB/08B**

Commissioner for Patents  
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S I R :

The Examiner is respectfully requested to return a copy of each of the Forms PTO/SB/08A and PTO/SB/08B dated October 25, 2001 (copies of which are enclosed) with the Examiner's initials in the left column next to each cited publication to indicate that the cited publications were considered and made of record.

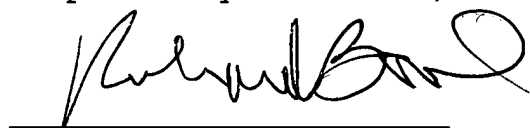
In Item No.4 on pages 3 and 4 of the May 29, 2003 Office Action, it was stated that the references noted in the Information Disclosure Statement filed on October 25, 2001 (Paper No. 8) cannot be located. Applicants were required to submit copies of said references as a prerequisite for the Examiner to consider said references.

Enclosed is a copy of the postcard receipt dated October 25, 2001 which evidences receipt of all the references by the USPTO. Thus the Examiner is obligated to consider all the cited references. It is also noted that one of the cited references (WO 01/12814) was relied upon by the Examiner in a prior art rejection in the May 29, 2003 Office Action.

As an accommodation to the Examiner, copies of all of the references cited in the October 25, 2001 INFORMATION DISCLOSURE STATEMENT are enclosed.

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& Chick, P.C.  
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RSB/ddf

Respectfully submitted,



Richard S. Barth  
Reg. No. 28,180

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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO

Application Number 09/836,705

Filing Date April 17, 2001

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

First Named Inventor Yuki ABE

Group Art Unit 1645

Examiner Name

Sheet

of

1

Attorney Docket Number 01149/HG

### U.S. PATENT DOCUMENTS

Exam. Inits*	Cite No <sup>1</sup>	Document Number	Kind Code <sup>2</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion

### FOREIGN PATENT DOCUMENTS

Exam Inits*	Cite No <sup>1</sup>	offc <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>
	Japan		57-2240			01-07-1982		*
	WIPO		WO 01/12814	A1	Sankyo Company	02-22-2001		*
	WIPO		WO 95/12661		VINCI et al.	05-11-1995		
	WIPO		WO 00/37629		HUTCHINSON et al.	06-29-2000		

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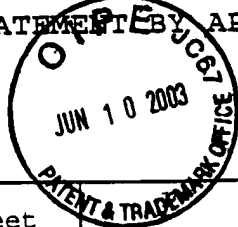
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Application Number

09/836,705

Filing Date

April 17, 2001

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

First Named Inventor

Yuki ABE

Group Art Unit

1645

Examiner Name

Attorney Docket Number

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## OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS

Examiner  
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No.<sup>1</sup>Include name of author (in CAPITAL LETTERS), title of article, title of item, date,  
page(s), volume-issue number(s), publisher, city and/or country where publishedT<sup>2</sup>

Akira ENDO et al., ML-236A, ML-236B, and ML-236C, "New Inhibitors of Cholesterologenesis Produced By *Penicillium Citrinum*", The Journal of Antibiotics, 29, 1346-1348 (1976)

Tatsuji MATSUOKA et al., "Purification and Characterization of Cytochrome P-450<sub>sca</sub> from *Streptomyces Carbophilus*", Eur. J. Biochem., 184, 707-713 (1989)

Richard MOORE et al., "Biosynthesis of the Hypocholesterolemic Agent Mevinolin By *Aspergillus terreus*. Determination of the Origin of Carbon, Hydrogen, and Oxygen Atoms by <sup>13</sup>C NMR and Mass Spectrometry", J. Am. Chem. Soc., 107, 3694-3701 (1985)

Ming-Shi SHIAO and Hsiao-Shek DON, "Biosynthesis of Mevinolin, A Hypocholesterolemic Fungal Metabolite, in *Aspergillus terreus*", Proc. Natl. Sci. Coun. Repub. China B. ROC, 11, 223-231 (1987)

David A. HOPWOOD and David H. SHERMAN, "Molecular Genetics of Polyketides and its Comparison to Fatty Acid Biosynthesis", Annu. Rev. Genet., 24, 37-66 (1990)

C. Richard HUTCHINSON and Isao FUJII, "Polyketide Synthase Gene Manipulation: A Structure-Function Approach in Engineering Novel Antibiotics", Annu. Rev. Microbiol., 49, 201-238 (1995)

Guo Hong FENG and Thomas J. LEONARD, "Characterization of the Polyketide Synthase Gene (pksL1) Required for Aflatoxin Biosynthesis in *Aspergillus parasiticus*", Journal of Bacteriology, 177, 6246-6254 (1995)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  		Application Number		09/836,705			
		Filing Date		April 17, 2001			
		First Named Inventor		Yuki ABE			
		Group Art Unit		1645			
		Examiner Name					
Sheet	2	of	3	Attorney Docket Number		01149/HG	
OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS							
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of author (in CAPITAL LETTERS), title of article, title of item, date, page(s), volume-issue number(s), publisher, city and/or country where published					T <sup>2</sup>
		Yoshitaka TAKANO et al., "Structural Analysis of PKS1, a Polyketide Synthase Gene Involved in Melanin Biosynthesis in Colletotrichum lagenarium", <u>Mol. Gen. Genet.</u> , <u>249</u> , 162-167 (1995)  Jiujiang YU et al., "Comparative Mapping of Aflatoxin Pathway Gene Clusters in Aspergillus parasiticus and Aspergillus flavus", <u>Applied and Environmental Microbiology</u> , <u>61</u> , 2365-2371 (1995)  D. W. BROWN et al., "Twenty-five Coregulated Transcripts Define a Sterigmatocystin Gene Cluster in Aspergillus nidulans", <u>Proc. Natl. Acad. Sci. USA</u> , <u>93</u> , 1418-1422 (1996)  Jonathan KENNEDY et al., "Modulation of Polyketide Synthase Activity by Accessory Proteins During Lovastatin Biosynthesis", <u>Science</u> , <u>284</u> , 1368-1372 (1999)  Lee HENDRICKSON et al., "Lovastatin Biosynthesis in Aspergillus terreus: Characterization of Blocked Mutants, Enzyme Activities and a Multifunctional Polyketide Synthase Gene", <u>Chem. Biol.</u> , <u>6</u> (7), 429-439 (1999)  Nobufusa SERIZAWA, "Development of Two-step Fermentation-based Production of Pravastatin, an HMG-CoA Reductase", <u>J. Synthe. Organ. Chem.</u> , <u>55</u> (4), 334-338 (1997)  I. FUJII, "Cloning of Polyketide Antibiotics Biosynthesising Genes", <u>Mochida Kinen Zaidan Kenku Seika Hokokusha</u> , <u>5</u> , 256-257 (1989)					*          *
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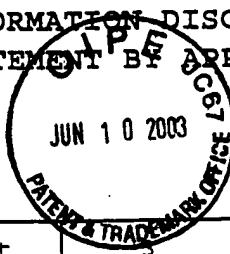
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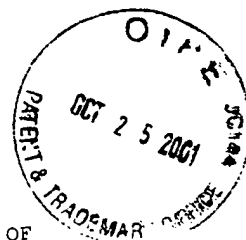
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of author (in CAPITAL LETTERS), title of article, title of item, date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		<p>Isao FUJII et al., "Structures and Functional Analyses of Fungal Polyketide Synthase Genes", <u>Actinomycetol</u>, <u>12</u>(1), 1-14 (1998)</p> <p>Joachim BECK et al., "The Multifunctional 6-methylsalicylic Acid Synthase Gene of <i>Penicillium patulum</i>", <u>Eur. J. Biochem.</u>, <u>192</u>(2), 487-498 (1990)</p> <p>Yoshio TSUJITA, "Discovery and Development of Hypolipidemic Drug, Pravastatin Sodium", <u>Tiss. Cult. Res. Commun.</u>, <u>12</u>(4), 279-289, (1993)</p> <p>C. Richard HUTCHINSON et al., "Aspects of the Biosynthesis of non-aromatic Fungal Polyketides by Iterative Polyketide Synthases", <u>Antonie van Leeuwenhoek</u>, <u>78</u>(3-4), 287-295, (2000)</p> <p>Jonathan KENNEDY et al., "Hypothetical 57.6 kDa Protein", DATABASE EMBL, Online, 1 November 1999 (1999-11-01), retrieved from EBI, accession no. q9y7d4 Database accession no. af141925 XP002176845.</p> <p>Futoshi NARA et al., "Development of a Transformation System for the Filamentous, ML0-236B (compactin)-Producing Fungus <i>Penicillium citrinum</i>", <u>CURRENT GENETICS</u>, Vol. 23, No. 1, 1993, pages 28-32, XP001018104.</p> <p>Masahiko HOSOBUCHI. et al., "Production of ML-236B, and Inhibitor of 3-Hydroxy-3-Methylglutaryl CoA Reductase by <i>Penicillium Citrinum</i>: Improvements of Strain and Culture Conditions", <u>BIOSCIENCE BIOTECHNOLOGY BIOCHEMISTRY</u>, JAPAN SOC. FOR BIOSCIENCE, BIOTECHNOLOGY AND AGROCHEM., Tokyo, Japan, Vol. 57, No.9, 1993, pages 1414-1419.</p>	
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